

Message Text

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ACTION EUR-12

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SUBJECT: GOVERNMENT PURCHASING -- EC COMMENTS ON TCWP JANUARY 12-14

REFS (A) OECD PARIS 1380 (B) 75 USEC 11506 (C) 75 OECD PARIS 33688

1. SUMMARY: AN EC COMMISSION OFFICIAL FELT THAT THE JANUARY 12-14 OECD GOVERNMENT PROCUREMENT TCWP WAS USEFUL IN GETTING DELEGATION TO STATE THEIR POSITIONS, PARTICULARLY THE JAPANESE. HE SAID THAT THE EC IS NOW ABLE TO NEGOTIATE DRAFT CODE ISSUES OTHER THAN THE FIELD OF APPLICATION AND DIRECTLY RELATED MATTERS, BUT HE QUESTIONED WHETHER THE US STILL WISHED TO PRESS AHEAD. HE WELCOMED THE TIMELY OPPORTUNITY FOR NEXT WEEK'S DENT/SOAMES MEETING TO TACKLE THIS QUESTION AS WELL AS THE RELATED ISSUE OF THE TIMING OF AN EVENTUAL TRANSFER OF WORK ON THE DRAFT CODE TO THE MTN. END SUMMARY.

2. ON JANUARY 15 THE MISSION SPOKE WITH EC COMMISSION OFFICIAL JEAN PIERRE DERISBOURG REGARDING THE JAN. 12-14 GOVERNMENT PROCUREMENT TCWP MEETING. DERISBOURG,
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REPEATING RATIONALE USED AT THE MEETING (SEE REFTEL A)

SAID THE EC WANTED TO CLARIFY THE SITUATION BY MAKING DELEGATIONS SAY WHERE THEY STOOD. HE ADMITTED THAT HE HAD BEEN "PROVOCATIVE" AT THE MEETING BUT FELT SUCH TACTICS HAD BEEN USEFUL RESULTING IN SWITZERLAND, SWEDEN, CANADA AND JAPAN TAKING POSITIONS. HE CITED PARTICULARLY THE JAPANESE REQUEST FOR DEROGATIONS FOR SMALL AND MEDIUM SIZED BUSINESS AND FOR INFANT INDUSTRIES, THE LATTER OF WHICH HE FOUND QUITE AMUSING. HE ALSO REMARKED THAT THE US, AFTER HAVING PUSHED HARD TO GET THE TCWP TO ARRIVE AT AGREEMENTS ON OUTSTANDING CODE ISSUES, GAVE THE IMPRESSION, AS DID CANADA, THAT IT WAS NOT REALLY READY TO NEGOTIATE. (IN A SEPARATE CONVERSATION, COMMISSION DIRECTOR GENERAL BRAUN COMMENTED ALONG THE SAME LINES. HE FELT THAT DEVELOPMENTS IN RECENT WEEKS HAD PRODUCED QUITE A CHANGE IN THE EC POSITION. AS HAD FREQUENTLY HAPPENED IN OTHER ISSUES, THE EC HAD FOR A LONG TIME TAKEN ESSENTIALLY A BLOCKING POSITION IN THE GOVERNMENT PROCUREMENT EXERCISE. NOW THAT IT WAS READY TO MOVE, THE OTHER PARTICIPANTS SEEMED TO BE HAVING SECOND THOUGHTS).

3. WE TOLD DERISBOURG THAT WE WERE AWARE OF NO CHANGE IN THE US DESIRE TO MOVE AHEAD AND QUESTIONED WHETHER THE EC COULD REALLY NEGOTIATE SINCE IT WAS STILL STRUGGLING FOR AGREEMENT ON ITS OWN DRAFT DIRECTIVE ON GOVERNMENT PROCUREMENT. DERISBOURG ADMITTED THAT THE EC, COULD NOT, IN FACT, GO VERY FAST ON THE "FIELD OF APPLICATION OF THE INSTRUMENT" AND DIRECTLY RELATED ISSUED UNTIL AGREEMENT IS REACHED ON THE EC DRAFT DIRECTIVE. HOWEVER, HE SAID THAT THE EC COULD, NOW NEGOTIATE, FOR EXAMPLE, ON DISPUTES SETTLEMENT, TRANSPARENCY AND NON-DISCRIMINATION.

4. DERISBOURG SAID THAT HE HOPED THAT THE EC DRAFT DIRECTIVE WOULD BE AGREED UPON BY JUNE OR JULY. HE WAS OPTIMISTIC THAT AGREEMENT COULD BE REACHED DURING THE CURRENT LUXEMBOURG EC COUNCIL PRESIDENCY BECAUSE BRAUN, THE DIRECTOR GENERAL RESPONSIBLE FOR THE DRAFT DIRECTIVE, IS A LUXEMBOURGER AND WOULD PUT ALL HIS EFFORTS INTO GETTING A SUCCESS FOR HIS COUNTRY.

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5. DERISBOURG NOTED THAT GOVERNMENT PROCUREMENT IS AN AGENDA ITEM IN NEXT WEEK'S DENT-SOAMES CONSULTATIONS. HE SAID THEY MIGHT TALK ABOUT POSSIBILITIES FOR THE US AND EC TO GET TOGETHER TO WORK OUT DIFFERENCES ON SOME OF THE KEY ISSUES. THEY ALSO MIGHT DISCUSS WHEN THE GOVERNMENT PROCUREMENT CODE SHOULD BE MOVED TO THE MTN. ON THIS POINT DERISBOURG SAID THAT IT IS HIS OPINION THAT THE CODE NEGOTIATIONS CAN REMAIN IN THE

OECD UNTIL AT LEAST THE END OF 1976. EVEN IF INDIA
WANTS TO MOVE IT TO THE MTN, THE NEXT MEETING WHERE SUCH
A REQUEST CAN BE MADE WILL NOT TAKE PLACE UNTIL APRIL
AND AN ORGANIZATIONAL MEETING COULD NOT BE HELD BEFORE
SEPTEMBER OR OCTOBER. THE EC WOULD LIKE GOVERNMENT
PROCUREMENT TO BE KEPT IN THE OECD AS LONG AS POSSIBLE.
GREENWALD

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